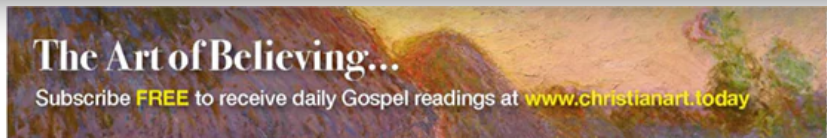


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The Vatican has destroyed the Order of Malta's sovereignty. What if Italy does the same to the Vatican?

Ed Condon 25 January, 2017

Fra' Matthew Festing at the Order of Malta's traditional new year audience (Order of Malta)

The most remarkable thing about the Order of Malta controversy is not that the Grand Master, Fra' Matthew Festing, has resigned. That is extraordinary enough, especially given that it was apparently on the invitation of Pope Francis. No, the most astonishing feature of the story is today's announcement that the Pope **will install an Apostolic Delegate to run the Order**. In effect, this abolishes the Order as a sovereign entity. Under international law, what we are seeing is effectively the annexation of one country by another.

How did it come to this? Somehow, the small clique who rallied around the former Grand Chancellor, Albrecht Boeselager, have managed to turn a matter of the Order's own internal governance into a full-blown diplomatic crisis between the two oldest and most prominent sovereign entities in the western world.

The clique never had much of a case. **As I have written before**, there is no question that, legally speaking, the commission set up on the recommendation of the Holy See's Secretariat of State to investigate his sacking of Boeselager was and remains totally illegitimate.

It is clear that Boeselager was dismissed, following his refusal to resign, according to the approved legal process of the Order. It has been alleged that Fra' Festing "defied" Pope Francis by dismissing Boeselager. But any opinion the Pope may have expressed before the event would have been in the much-rumoured letter on the matter from the Pope directly to Cardinal Burke, the Holy See's envoy to the Order. This letter has not even been formally confirmed as existing, let alone leaked. Its purported contents remain the great unanswered question at the heart of this whole affair.

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Fra' Festing's humility and courtesy are typical of the man. He has served the Order and the Pope well, with total devotion and respect for the obligations of the law and his position. And now, he has been forced from his position for doing his duty. Yet Boeselager – who refused to obey a direct order from his sovereign – and his allies have triumphed.

These allies have carried out a sordid campaign of leaked letters from Cardinal Parolin's department, which served the sad and obvious end of framing a public narrative in which Fra' Festing supposedly "defied" the explicit wishes of the Pope. In fact, even according to the confused and changeable timeline constructed by his friends, it was clear that Boeselager was dismissed well before Cardinal Parolin's apparent (and still illegitimate) intervention.

The sad and severe consequences of this chain of events are considerable. The international legitimacy of the Order of Malta is now in ruins, its constitutional integrity and diplomatic standing now seem beyond repair.

Today's announcement of an Apostolic Delegate to be appointed by the Pope represents, essentially, the total abrogation of the Order's sovereignty. Yet the consequences for the Holy See itself may, in the longer term, be equally or even more severe. The disregard for the mutually sovereign relationship between the Holy See and the Order sets a precedent in international law, which will now lurk under the Secretariat of State's dealings with other governments like an unexploded bomb.

If the Holy See can so brazenly insert itself into the internal governance of another sovereign entity whose legitimacy stems from a mutual agreement under international law, it now has no legal defence should another sovereign body, say the government of the Italian Republic, choose to view the independence of the Holy See as a similarly anachronistic formality. Cardinal Parolin should prepare to see today's actions cited as legitimate precedent when the IOR, commonly called the Vatican Bank, finds its sovereign independence under renewed pressure from other countries or international bodies. Pope Benedict XVI said that "a society without laws is a society without rights"; the naked disregard for the law shown in recent weeks has sown a bitter harvest for the Holy See's diplomatic corps to reap in the future.

For those less concerned with the diplomatic and legal aspects of this situation, there is one over-riding truth which has emerged from all this. It is now clear that for all the great hopes of curial reform which accompanied the election of Pope Francis, the Vatican remains a place where cliques and personal networks have more authority than the law, and where leaking and smearing remain part of the everyday business of governance.

The Pope himself is, as he has often stated, not a lawyer, nor is the law something he is known to have much interest in. Those in his curia who have prompted him to this action have deliberately served him, the office of the papacy, the international sovereignty of the Holy See, and of course the men and women of the Order of Malta, incredibly badly. I suspect it is now just a matter of when, not if, they come to regret it.

Tags

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